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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/528,693

03/20/2000

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00 P 7518 US

5947

7590 07/09/2008  
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EXAMINER

ZELASKIEWICZ, CHRYSTINA E

ART UNIT

PAPER NUMBER

3621

NOTIFICATION DATE

DELIVERY MODE

07/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

<b>Office Action Summary</b>	<b>Application No.</b> 09/528,693	<b>Applicant(s)</b> WRIGHT ET AL.	
	<b>Examiner</b> CHRYSTINA ZELASKIEWICZ	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 25 March 2008.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-6 and 21-34 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-6, 21-34 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Acknowledgements**

1. This action is in reply to the Amendment and Remarks filed on March 25, 2008.
2. Claim 1 has been amended.
3. Claims 21-34 have been added.
4. Claims 7-20 have been canceled.
5. Claims 1-6, 21-34 are currently pending and have been examined.
6. Paper No. is provided for reference purposes only.

### **Specification**

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. §1.75(d)(1) and MPEP § 608.01(o). Claims 1 and 21 state "an actuator", which lacks proper antecedent basis in the specification. Appropriate correction is required.

### **Claim Rejections - 35 USC § 112, 1<sup>st</sup> paragraph**

8. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-6, 21-34 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Claims 1 and 21 state a "programmable logic controller adapted to control an actuator." Applicant points to his specification as support for "an actuator." The specification states "[a] controller of particular relevance is described by Zavis et al. (U.S. Patent No. 5,596,263 and U.S. Patent No. 5,666,256) incorporated herein by reference" (specification filed 20 March 2000, p 5,

line 22-23). However, the "controller of particular relevance" is unknown and unclear to the a person of ordinary skill in the art. For example, does the "controller of particular relevance" refer to controller 106, line control apparatus, or controllers for a line control apparatus (Zavis 5,596,263 abstract, C2 L1-67, C3 L1-17). Additionally, does the "controller of particular relevance" refer to electrical apparatus 100, apparatus controller 106, or microprocessor 116 (Zavis 5,666,256 abstract, C3 L64-67). Applicant has not demonstrated possession of "an actuator" at the time the application was filed. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11. Claims 1-6, 21-31, 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun et al. (US 5,804,803) in view of Ohanian et al. (US 6,109,526).**

#### **Claim 1**

12. Cragun discloses the following limitations:

- b. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) contained in a memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10);
- c. a predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),

- d. the programmable logic controller (client computer 102) operatively coupleable to a network (LAN) (C3 L45-65),
  - e. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),
  - f. a human/machine interface (display screen 114) of the programmable logic controller (client computer 102) adapted to display the network web page (C3 L55-60, C8 L6-30),
  - g. the network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),
  - h. the network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),
  - i. the network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and
  - j. information (customer and product information) provided via the on-line product support help window adapted to update the updatable maintenance log (C8 L63-67, C9 L1-10, C11 L28-48).
13. Cragun does not disclose the following limitations:
- k. The programmable... actuator.
14. Ohanian discloses the following limitations:
- l. the programmable logic controller (reader 102) adapted to control an actuator (printer) (figure 2, C3 L35-67, C4 L1-67).
15. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Ohanian because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) a disadvantage of bar code symbols is that they may not be altered once printed (Ohanian C1 L24-38). Having a programmable

logic controller adapted to control an actuator such as printer would allow consumers to print out relevant product information, and enhance information delivery about the product.

Claim 2

16. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- m. said indicator (URL) is specific to said predetermined product (object 115), such that a plurality of indicators (additional URLs) that direct to a plurality of web pages (remote documents) are provided, each web page (document 174) providing specific product information relevant to said predetermined product (figure 2, C5 L30-67, C6 L1-3, C8 L63-67, C9 L1-10).

Claim 3

17. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- n. said indicator is an URL (URL) of a web page (figure 2, C5 L30-67, C6 L1-3).

Claim 4

18. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- o. a label (RF tag) affixed to the predetermined product (object 115), wherein said label comprises said memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10).

Claim 5

19. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- p. said memory is a micro-chip memory (RF tag) (C12 L1-10).

Claim 6

20. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

q. the programmable logic controller (client computer 102 with scanning device 118) is coupled to the network (network 148) via means for automatically interfacing to the Internet to access said web page based on said indicator (URL) (figure 2, C5 L53-67, C6 L1-36).

Claim 21

21. Cragun discloses the following limitations:

r. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10),

s. said product information apparatus communicatively coupled to a predetermined product (object 115) (abstract),

t. said predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),

u. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),

v. a human/machine interface (display screen 114) of said programmable logic controller (client computer 102) adapted to automatically display said network web page responsive to said indicator (C3 L55-60, C8 L6-30),

w. said network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),

x. said network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance history log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),

- y. said network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and
  - z. information (customer and product information) provided via said on-line product support help window adapted to update said updatable maintenance history log (C8 L63-67, C9 L1-10, C11 L28-48).
22. Cragun does not disclose the following limitations:
- aa. Said programmable... actuator.
23. Ohanian discloses the following limitations:
- bb. said programmable logic controller (reader 102) adapted to control an actuator (printer) (figure 2, C3 L35-67, C4 L1-67).
24. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Ohanian because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) a disadvantage of bar code symbols is that they may not be altered once printed (Ohanian C1 L24-38). Having a programmable logic controller adapted to control an actuator such as printer would allow consumers to print out relevant product information, and enhance information delivery about the product.

Claim 22

25. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:
- cc. said predetermined product (object 115) (abstract, figure 1a).

Claim 23

26. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:



dd. said programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9).

Claim 24

27. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

ee. said indicator (URL) is stored in a memory (memory of RF tag) provided with said predetermined product (object 115) (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10).

Claim 25

28. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

ff. said indicator (URL) is stored in a micro-chip (RF tag) implanted in said predetermined product (C12 L1-10).

Claim 26

29. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

gg. said indicator (URL) is stored in a micro-chip (RF tag) that is accessible via a serial port (scanning device 118 connected to client computer 102) (C2 L47-67, C3 L55-67).

30. Cragun does not disclose the following limitations:

hh. A serial port.

31. The Examiner takes **Official Notice** that a scanning device may be connected to a computer via a serial port.

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show said indicator is stored in a micro-chip that is accessible via a serial port because Cragun

already teaches a client computer with a scanning device that reads the indicator stored on a micro-chip (abstract, figure 1a). A suggestion exists that the micro-chip could be accessible via a serial port because this setup would eliminate using a scanning device (i.e. client computer reading the indicator directly from the micro-chip via a serial port), and speed up the process of reading the indicator.

Claim 27

33. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

- ii. said indicator (URL) is stored in a micro-chip (RF tag) that piggy backs on a port line provided with said predetermined product (C2 L47-67, C3 L55-67).

34. Cragun does not disclose the following limitations:

- jj. A port line provided with said predetermined product.

35. The Examiner takes **Official Notice** that a scanning device may be connected to a computer via a port line.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show said indicator is stored in a micro-chip that piggy backs on a port line provided with said predetermined product because Cragun already teaches a client computer with a scanning device that reads the indicator stored on a micro-chip (abstract, figure 1a). A suggestion exists that the micro-chip could be accessible via a port line (i.e. piggy backs on a port line provided with the product) because this setup would eliminate using a scanning device (i.e. client computer reading the indicator directly from the micro-chip via a port line), and speed up the process of reading the indicator.

Claim 28

37. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

kk. said network webpage (document 174) provides an e-mail link (additional URLs), said e-mail link adapted to cause an e-mail to be sent directly to a technician responsible for handling said predetermined product (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

38. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage provides an e-mail link, said e-mail link adapted to cause an e-mail to be sent directly to a technician responsible for handling said predetermined product, because Cragun already teaches additional URLs present on the webpage for further product information, and the webpage providing an on-line product support help window (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists that an e-mail link be present on the webpage, which sends an email to a technician responsible for handling the product, because the technician would serve a similar purpose as the additional URLs present on the webpage (i.e. to provide further product information).

#### Claim 29

39. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

II. said help window (Microsoft Help Window) is an on-line chat window adapted to provide a communication with a live technician (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the help window is an on-line chat window adapted to provide a communication with a live technician because Cragun already teaches additional URLs present on the webpage for further product information, and the webpage providing an on-line product support help window (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to have an on-line chat window to speak with a live technician because the technician could provide more detailed product information (e.g. medical warnings) that may not be present on the webpage.

#### Claim 30

41. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

mm. said help window (Microsoft Help Window) is adapted to update (fill-in) said maintenance log (customer and product information) with a dialog of a live technician provided in said help window (C8 L63-67, C9 L1-10, C11 L28-48).

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the help window is adapted to update said maintenance log with a dialog of a live technician provided in said help window because Cragun already teaches information provided via the on-line help window adapted to update the maintenance log (C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to update the maintenance log with the live technician dialog because the maintenance log should maintain a complete record of communications regarding the product.

#### Claim 31

43. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

nn. said network webpage (document 174) is adapted to provide a customer notes window (Microsoft Window), said network webpage adapted to update (fill-in form) said maintenance log with a content of said user notes window (customer and product information, e.g. ingredients customer is allergic to) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48).

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage is adapted to provide a customer notes window, said network webpage adapted to update said maintenance log with a content of said user notes window, because Cragun already teaches using windows and updating a maintenance log (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48). A suggestion exists to update the maintenance log using the content from the customer notes window because said content is important customer and product information, such as recommended dosage or warnings (C11 L28-48).

Claim 34

45. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Cragun discloses the following limitations:

oo. said network webpage (document 174) is adapted to accept a serial number (UPC code) of said predetermined product as an access password (C7 L28-67, C8 L1-30).

46. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cragun to show the network webpage is adapted to accept a serial number of said predetermined product as an access password because Cragun already teaches using the product's UPC code to provide product information, and accepting a customer ID for access (C7 L28-67, C8 L1-30). A suggestion exists to use the product's UPC code as an access password to the network webpage because the UPC code can verify which product the customer seeks access to on the webpage.

**47. Alternatively, claims 1-6, 21-31, 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun in view of Zavis et al. (US 5,596,263).**

Claim 1

48. Cragun discloses the following limitations:

pp. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) contained in a memory (memory) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10);

qq. a predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),

rr. the programmable logic controller (client computer 102) operatively coupleable to a network (LAN) (C3 L45-65),

ss. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),

- tt. a human/machine interface (display screen 114) of the programmable logic controller (client computer 102) adapted to display the network web page (C3 L55-60, C8 L6-30),
  - uu. the network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),
  - vv. the network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),
  - ww. the network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and
  - xx. information (customer and product information) provided via the on-line product support help window adapted to update the updatable maintenance log (C8 L63-67, C9 L1-10, C11 L28-48).
49. Cragun does not disclose the following limitations:
- yy. The programmable... actuator.
50. Zavis discloses the following limitations:
- zz. the programmable logic controller (controller 106) adapted to control an actuator (actuator 102) (abstract, figure 1).
51. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Zavis because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5). Having a programmable logic controller adapted to control an actuator would allow consumers to print out relevant product information, and enhance information delivery about the product.

52. Cragun discloses the following limitations:

aaa. a product information apparatus (bar code or radio frequency (RF) tag) comprising an indicator (URL) (abstract, C2 L47-67, C3 L1-15, C4 L8-10, C12 L1-10),

bbb. said product information apparatus communicatively coupled to a predetermined product (object 115) (abstract),

ccc. said predetermined product (object 115) operatively coupleable to a programmable logic controller (client computer 102) (figure 1a, C3 L45-65, Board of Patent Appeals and Interferences (BPAI) Decision dated April 27, 2007, p 9),

ddd. said indicator (URL) associated with said predetermined product (object 115) and indicative of a network web page (document 174) (figure 2, C5 L30-67, C6 L1-3),

eee. a human/machine interface (display screen 114) of said programmable logic controller (client computer 102) adapted to automatically display said network web page responsive to said indicator (C3 L55-60, C8 L6-30),

fff. said network web page (document 174) associated with said predetermined product (object 115) (figure 1a, C8 L6-67),

ggg. said network webpage (document 174) adapted to provide an updatable (fill-in form) maintenance history log (customer and product information, e.g. ingredients customer is allergic to) (C8 L63-67, C9 L1-10, C11 L28-48),

hhh. said network webpage (document 174) adapted to provide an on-line product support help window (Microsoft Help Window) (C5 L3-4, C8 L63-67, C9 L1-10, C11 L28-48), and

iii. information (customer and product information) provided via said on-line product support help window adapted to update said updatable maintenance history log (C8 L63-67, C9 L1-10, C11 L28-48).

53. Cragun does not disclose the following limitations:

jjj. Said programmable... actuator.

54. Zaviz discloses the following limitations:

kkk. said programmable logic controller (controller 106) adapted to control an actuator (actuator 102) (abstract, figure 1).

55. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun with Zavis because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); and 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5). Having a programmable logic controller adapted to control an actuator would allow consumers to print out relevant product information, and enhance information delivery about the product.

Claims 2-6, 22-31, 34

Cragun, in view of Zavis, discloses all the limitations above. Furthermore, Cragun discloses the remaining limitations of each claim (please see rejection above).

**56. Claims 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun, in view of Ohanian, and further in view of Smith et al. (US 6,333,973).**

Claim 32

57. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Smith discloses the following limitations:

III. said network webpage (screen display) is adapted to provide a hot link (hot-link) adapted to interface with a cell phone (telephone connection to company or access webpage) (C9 L24-35, figures 9a, 9b).

58. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to show the network webpage is adapted to provide a hot link adapted to interface with a cell phone because Smith already teaches a screen display that hot-links to a telephone connection or a webpage



(C9 L24-35, figures 9a, 9b). A suggestion exists that if a connection can be made from a cell phone to a webpage via a hot-link on the cell phone, then a connection can also be made in the opposite order (from the webpage to a cell phone via a hot-link on the webpage).

59. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Ohanian, with Smith because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) a disadvantage of bar code symbols is that they may not be altered once printed (Ohanian C1 L24-38); and 4) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a cell phone would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

#### Claim 33

60. Cragun, in view of Ohanian, discloses all the limitations above. Furthermore, Smith discloses the following limitations:

mmm. said network webpage (screen display) is adapted to provide a hot link (hot-link) adapted to interface with a utility belt (telephone connection to company or access webpage) (C9 L24-35, figures 9a, 9b).

61. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smith to show the network webpage is adapted to provide a hot link adapted to interface with a utility belt (i.e. device) because Smith already teaches a screen display that hot-links to a telephone connection or a webpage (C9 L24-35, figures 9a, 9b). A suggestion exists that if a connection can be made from a cell phone to a webpage via a hot-link on the cell phone, then a connection can also be made in the opposite order (from the webpage to a cell phone via a hot-link on the webpage). Furthermore, a suggestion exists

that a webpage capable of a connection, or interfacing, with a cell phone via a hot-link on the webpage would also be capable of interfacing with other devices such as a utility belt.

62. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Ohanian, with Smith because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) a disadvantage of bar code symbols is that they may not be altered once printed (Ohanian C1 L24-38); and 4) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a utility belt would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

**63. Alternatively, claims 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cragun, in view of Zavis, and further in view of Smith.**

Claims 32, 33

64. Cragun, in view of Zavis, discloses all the limitations above. Furthermore, Smith discloses the remaining limitations of each claim (please see rejection above).

65. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cragun, in view of Zavis, with Smith because 1) it is often difficult for consumers to find and even more difficult for consumers to tie the information in the Internet to the product in which they are interested (Cragun C1 L10-62); 2) a need exists for enhanced information delivery about products and services to consumers based on the preferences and needs of customers (Cragun C1 L59-62); 3) the Zavis controller is of particular relevance to the instant application (specification filed 20 March 2000, p 5); and 4) a need exists to integrate different types of messages from different types of equipment (Smith C2 L19-23). A network webpage adapted to provide a hot link adapted to interface with a cell phone or utility

belt would allow consumers enhanced information delivery about a product, and to integrate different types of messages from different types of equipment.

66. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

67. In light of Applicants' choice to pursue product claims, Applicants are again reminded that functional recitation(s) using the word and/or phrases "for", "adapted to", "configured to", or other functional language (e.g. see claims 1, 21 which recite "operatively coupleable to"; claims 1, 21, 28-34 which recite "adapted to") have been considered but are given little patentable weight because they fail to add any structural limitations and are thereby regarded as intended use language. To be especially clear, all limitations have been considered. However, a recitation of the intended use of the claimed product must result in a structural difference between the claimed product and the prior art in order to patentably distinguish the claimed product from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) ("The manner or method in which such a machine is to be utilized is not germane to the issue of patentability of the machine itself."); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP §§ 31.06 II (C.), 2114 and 2115. By way of example only, the Examiner respectfully suggests changing "operatively coupleable to" to simply "coupled to" where a positive recitation is desired. Unless expressly noted otherwise by the Examiner, the claim interpretation principles in the paragraph apply to all claims currently pending.

68. The Examiner notes Applicants' admission that the following fact is well-known in the art: on-line "chat" technology obtains instant access to a live technician (specification filed 20 March 2000, p 7, lines 15-17). Applicants are again reminded that they must specifically point out the supposed errors in this Office Action, including factual determinations, else they will become facts in the record. See 37 C.F.R. §1.111(b).

### **Response to Arguments**

69. The Examiner agrees that the previous Office Action dated October 29, 2007, which was written by a different examiner, was non-responsive to the above-examined claims. In light of the new rejections set forth above, Applicants' previous arguments are moot.

### **Conclusion**

70. The Examiner for this application has changed. Please indicate Examiner Chrystina Zelaskiewicz as the Examiner of record in all future correspondence.

71. Applicants are reminded that patents are written by and for skilled artisans. See *e.g. Vivid Technologies, Inc. v. American Science and Engineering, Inc.*, 200 F.3d 795, 804, 53 USPQ2d 1289, 1295 (Fed. Cir. 1999) ("patents are written by and for skilled artisans").<sup>1</sup> The Examiner therefore starts with the presumption that Applicants are skilled artisans who possess at least ordinary skill in the art. Consequently, it is the Examiner's position that because the patent references of record are directed to those with ordinary skill in this art, these references are clear, explicit, and specific as to what they teach. Nevertheless some applicants apparently have difficulty understanding the references. In an effort to provide due process and to help applicants understand the contents of a reference when viewed from the position of one of ordinary skill in this art, Applicants are hereby given actual notice that if after reasonably

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<sup>1</sup> See also *S3 Inc. v. nVIDIA Corp.*, 259 F.3d 1364, 1371, 59 USPQ2d 1745, 1749-50 (Fed. Cir. 2001) ("patents are written for persons experienced in the field of the invention").

reading any reference of record—whether the reference is currently of record, previously made of record, or subsequently made of record—if Applicants can not reasonably understand or if Applicants have difficulty comprehending one or more sentence(s), statement(s), diagram(s), or principle(s) set forth in the reference(s), Applicants should (in their next appropriately filed response) bring this issue to the attention of the Examiner. In addition to bringing this issue to the attention of the Examiner, and in accordance with 37 C.F.R. §1.111(b), Applicants' response must also state *why* they either do not understand or *why* they have difficulty comprehending the offending reference(s). If after properly receiving (*i.e.* Applicants' response is made of record) both Applicants' request for understanding and the reasons as to *why* the request is made—and assuming the reference is germane to at least one outstanding rejection—the Examiner may either provide a substitute reference, or alternatively, do his best to elucidate the particular sentence(s), statement(s), diagram(s), or principles(s) in the offending reference. For all documents or references made of record after this Office Action, Applicants are given actual notice that this paragraph becomes effective when Applicants receive notice that the document or reference is made of record (*i.e.* this paragraph becomes applicable when Applicants submit an Information Disclosure Statement or when Applicants receive an examiner's Notice of References Cited (Form PTO-892)).

72. All references in this Office Action and any future office action to the capitalized versions of "Applicant(s)," Applicants, or Applicant refers specifically the Applicants of record. References to lower case versions of "applicant," "applicant(s)," "applicants" refers to any or all patent "applicants." Unless expressly noted otherwise, references to "Examiner" in this Office Action or any future office action refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.

73. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Chrystina Zelaskiewicz whose telephone number is 571.270.3940. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

74. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov> >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Chrystina Zelaskiewicz/  
Examiner, Art Unit 3621  
July 2, 2008

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621